

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ANSWER OF DEFENDANTS WILLIE COPELAND, ANNIE LATIMORE,
WILLIE THOMAS, AND RELFORD KENDRICK**

COMES NOW Defendants Willie Copeland, et al., by and through the undersigned counsel, and for (his or their) Answer to the above-styled action, state(s) as follows:

Defendants deny each and every material allegation made in the Complaint, and demand strict proof thereof.

Defendants deny that they violated any of the Plaintiff's constitutional rights.

Defendants deny that they violated the Plaintiff's due process rights.

Defendants deny that they caused or allowed to continue any unconstitutional condition of the Plaintiff's confinement.

Defendants deny that they conspired, retaliated or discriminated against the Plaintiff in any way.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a claim upon which relief may be granted.

Defendants are entitled to state agent immunity.

Defendants are entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

Defendants are entitled to immunity under the Eleventh Amendment to the United States Constitution.

Defendants are entitled to qualified immunity.

Respectfully submitted,

TROY KING
Attorney General

s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 17th day of July, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Zavius Averette, AIS#217905
William E. Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35023

s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General